## REMARKS/ARGUMENTS

### 35 USC § 103

**Claims 19-26** were previously rejected under 35 USC § 103 as being obvious over LaPerre (U.S. Pat. No. 6,060,157) in view of Nellessen (U.S. Pat. No. 3,420,597) in various permutations. The applicant respectfully disagrees for various reasons as outlined below.

According to the Examiner, it would have been obvious to one of ordinary skill in the art to provide LaPerre's reflection ink comprising a plurality of particles and then drying the transfer as taught by Nellessen to ensure that the reflection particles are evenly distributed within the reflection ink layer. Furthermore, the Office appears to argue that LaPerre would teach a process for the manufacture of a screen print reflection transfer that comprises the steps of initially providing an adhesive-repellent base medium, applying a transfer adhesive on the base medium wherein the transfer adhesive is at least one of heat-sensitive and pressure-sensitive. According to the Examiners arguments, the person skilled in the art would then take a reflection ink comprising a plurality of reflection particles as taught by Nellessen and apply this reflection ink onto to the transfer adhesive layer applied according the LaPerre process.

The applicant fails to follow this way of argumentation on the following basis:

Neither LaPerre nor Nellessen disclose a process for manufacture of a ***reflection transfer*** (*e.g.*, screen print reflection transfer), which necessarily requires that the transfer adhesive and/or the reflection ink are applied by screen printing technique. Additionally, ***neither the '157 nor the '597 reference discloses applying of an ink onto a transfer adhesive***. Therefore, first of all the question arises what kind of instruction as disclosed in the '157 or '597 references would guide a person skilled in the art to combine the two references to prepare a screen print reflection transfer system according to the present invention. It should be noted that the currently claimed technique comprises applying of an ink onto a transfer adhesive. Clearly, both citations ***fail to disclose*** the feature of a process for the manufacture of a screen print ***reflection transfer*** and the feature of ***applying an ink layer onto the transfer adhesive***, which are both essential elements of the present claims. Moreover, ***neither of the references teach formation of a transfer that is not clear translucent(e.g., colored translucent, colored-covering, or colored white).***



PAGE 8/10 * RCVD AT 8/22/2005 7:12:27 PM [Eastern Daylight Time] * SVR:USPTO-EFXRF-6/30 * DNIS:2738300 * CSID:714 546 9035 * DURATION (mm-ss):03-22

Furthermore, US 3,420,597 discloses a paintable binder system containing reflection particles and color particles. Contrary to this, the US 6,060,157 needs to use transparent layers as the graphic medium should be brought onto a transparent substrate (e.g., window glass) in such a manner that the reflecting particles will be on the opposite side of the window in respect to a person viewing through the window onto the graphic medium. Therefore, if in this case the transparent bonding layer (6) according to '157 reference would be replaced by the paintable binder system according to the '597 patent, the ***reflecting particles would not be visible*** for a person looking through a window applied with such a graphic medium or transfer system. Thus, and contrary to the argumentation of the Examiner, a person skilled in the art would not apply the paintable binder system according to '597 onto a transparent adhesive layer according to '157. Based on these considerations, the ***combination of LaPerre and Nellessen would render the claimed invention inoperable for the intended purpose.***

It is once more pointed out that inventive process allows for a method of manufacturing a screen print transfer system that comprises reflecting particles, and that can be advantageously used for ***direct application*** onto textile and plastic stripes, especially onto shirts, jackets and T-shirts. The transfer may be placed on the textile substrate with the adhesive layer according to the invention even in the home sector by simply imprinting it by means of a laundry iron, for example. Moreover, such transfer also allows ***application of the print in the correct in plan view*** and not in a mirror image as disclosed by the '157 patent.

To distinguish the present invention even more clearly from the cited art, the applicant amended claim 19 with the additional feature "***with the proviso that where the transfer adhesive is directly applied to the base medium, the transfer adhesive is not clear translucent***", and "***with the further proviso that where the optional intermediate ink layer is applied onto the transfer adhesive on the base medium, the optional intermediate ink layer is not clear translucent, and the transfer adhesive is optionally clear translucent***". It should be noted that the cited references (alone or in combination) do not disclose such material wherein at least one layer beneath the particle containing ink layer is colored and not clear translucent. Such claim amendment is also not trivial as the additional feature improves the reflecting properties of the reflection transfer.



PAGE 9/10 * RCVD AT 8/22/2005 7:12:27 PM [Eastern Daylight Time] * SVR:USPTO-EFXRF-6/30 * DNIS:2738300 * CSID:714 546 9035 * DURATION (mm-ss):03-22

In view of the present amendments and arguments, the applicant believes that all claims are now in condition for allowance. Therefore, the applicant respectfully requests that a timely Notice of Allowance be issued in this case.

Respectfully submitted,

RUTAN & TUCKER



Martin Fessenmaier, Ph.D.
Reg. No. 46,697
Tel.: (714) 641-5100



PAGE 10/10 * RCVD AT 8/22/2005 7:12:27 PM [Eastern Daylight Time] * SVR:USPTO-EFXRF-6/30 * DNIS:2738300 * CSID:714 546 9035 * DURATION (mm-ss):03-22